

RESOLUTION 15-

ABANDONMENT OF SUBDIVISION AND PUBLIC RIGHT-OF-WAY FOR RIO CORTE ESTATES SUBDIVISION, DOCKET S-07-02

WHEREAS, there has been presented to the Board of Supervisors of Cochise County Arizona, a formal request for the abandonment of the Rio Corte Estates Subdivision, Docket S-07-02, as recorded in Book 15 page 86 and 86A of maps and plats in the Office of the Cochise County Recorder and those certain public rights-of-way within the Subdivision; the subdivision generally located west of Palominas Road and south of Hereford Road in Hereford, more particularly described as follows:

SEE EXHIBIT “A” being the Abandonment Plat for Rio Corte Estates Subdivision as recorded with the Cochise County Recorder’s Office, Bisbee, Arizona; and

WHEREAS, A.R.S. §11-806.01 grants the Board of Supervisors the authority to regulate subdivisions; and

WHEREAS, the Assurance Agreement, recorded on October 25, 2007, Fee No. 0710-34406 with the Office of the Cochise County Recorder between Cochise County and Pioneer Title Agency, Inc., as Trustee under Trust # 517603, with beneficiary Rio Corte, LLC, made for the completion of subdivision improvements for Rio Corte Estates Subdivision has expired, and

WHEREAS, the Assurance Agreement, recorded on January 26, 2011, Fee No. 2011-01982 with the Office of the Cochise County Recorder between Cochise County and Pioneer Title Agency, Inc., as Trustee under Trust # 521012, with beneficiary Rio Corte Lender, LLC, made for the completion of subdivision improvements for Rio Corte Estates Subdivision has expired, and

WHEREAS, Article 3, Section 308 of the Cochise County Subdivision Regulations provides for the abandonment of recorded final plats if required improvements have not been completed in a timely fashion, or where there have not been substantial sales and improvements in at least ten years, and it appears the subdivision will not be developed as originally intended; and

WHEREAS, the Rio Corte Estates Subdivision, platted in 2007 with a total of twenty-two lots, has not been developed with any final improvements, as intended, and is currently owned by R. C. Lenders, LLC; and

WHEREAS, a formal request to abandon the subdivision has been provided in writing by

the owners of the Rio Corte Estates Subdivision; and

WHEREAS, Rio Corte Loop, a private, non-county-maintained right-of-way internally providing access to the twenty-two lot Rio Corte Estates subdivision will also be abandoned; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND ORDERED, that we, the Board of Supervisors of Cochise County, do hereby grant the petition for the abandonment as described in Exhibit "A" and requested herein, and do hereby vacate and abandon said subdivision and private rights-of-way, in accordance with A.R.S. 11-806.01 and 28-7201 et seq.

IT IS FURTHER RESOLVED AND ORDERED, that any and all rights-of-way or easements of existing sewer, gas, water or similar pipelines and appurtenances and for canals, laterals or ditches and appurtenances and for electric, telephone, and similar lines and appurtenances shall continue as they existed prior to the disposals of abandonment thereof.

DATED this _____ day of _____, 2015.

Patrick Call, Chairman
Board of Supervisors

ATTEST:

Arlethe G. Rios, Clerk of the Board

ATTEST AS TO FORM:

Britt Hanson, Deputy County Attorney